

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S.B. Civil Second Appeal No.151/2005

Mizaz Husain S/o Haidar Ali
...plaintiff-appellant
Versus
Municipal Board, Bundi & Another
...defendant-respondents

Date of Order ::: 26.10.2006

Present

Hon'ble Mr. Justice Narendra Kumar Jain

Shri Umesh Shringi, Counsel for plaintiff-appellant
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By the Court:-

Heard learned counsel for the plaintiff-appellant.

The plaintiff-appellant filed a suit for declaration and permanent injunction in the lower court. The learned lower court decreed the suit of the plaintiff-appellant and directed that he will not be dispossessed without due process of law. However, the judgment and decree passed by the lower court was challenged by the plaintiff-appellant but the learned first appellate court dismissed the appeal. Now again this second appeal has been preferred by the plaintiff-appellant.

I have considered the submissions of learned

counsel for the plaintiff-appellant. The learned lower court has already safeguarded the interest of the appellant. So far as controversial issues are concerned, they are relating to question of fact and there is concurrent finding of fact by both the courts below which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//